DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H05-0570-20**	**Applicant:**	**Agemco Ltd**
Proposal:	Proposed conversion of day care centre into accommodation including canopy extension and associated works to existing car park area		
Location:	Capricorn Cottage Residential Care Home 88a East Gate Fleet Hargate		
Terminal Date:	10th September 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 8, 12, 14 and 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to convert the existing day care centre into accommodation for residents of Capricorn Cottage Residential Care Home, including a canopy extension and associated works to the existing car park area.

Site Description

The building is of brick construction with a tiled roof and forms part of the Capricorn Cottage Residential Care Home facility. It has vehicular access via Hockle's Gate.

Recent Planning History

H05-0984-08 - Full - Proposed single-storey extension to Learning Disability Care Home and Day Centre - Granted 10 November 2008.

H05-0139-12 - Full - Single storey extension, Capricorn Cottage, 88 Eastgate, Fleet - Granted 2 April 2012.

Consultation Responses

Fleet Parish Council - No response

LCC Highways/SUDs - Does not wish to restrict the grant of permission.

Environmental Protection - No objections.

Information from Applicant - The existing Day Care Centre is owned and operated by the same provider as Capricorn Cottage. The centre has been suspended from use since 27th March 2020 due the infection risks of Covid and the need to quarantine existing service users. As responsible providers we review our ongoing Covid protection policy and sustainability procedures frequently. We have created quarantined zones and rooms in every home and we are constantly looking for alternative/additional solutions. Following our internal risks assessments and given the need to prepare our homes for this virus and its impacts to be with us for the foreseeable future we have identified the need to create additional capability.

The need to ensure a continuous safe and secure environment for our existing and new service users and teams is paramount; converting the Day Care Centre will enable this to be achieved operationally without impacting the activities, learning or support areas as these are catered for within the main home.

Planning considerations

Policy/Principle

As indicated in paragraph 47 of the National Planning Policy Framework, 2019, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is inside Fleet Hargate Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Minor Service Centres, including Fleet Hargate, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited to allocated and committed sites and infill.

The proposal involves the conversion of an existing building and would continue to be used in conjunction with the existing residential care home. It would help sustain an existing facility and would therefore satisfactorily comply with this policy.

Paragraph 83 of the National Planning Policy Framework, 2019, indicates that planning policies and

decisions should enable the retention and development of accessible local services and community facilities. It is noted that the proposal would involve the loss of an existing day care centre. However, it is related to the existing residential care home and, as previously indicated, the building would continue to be used in conjunction with the existing facility and help sustain it (see information from applicant). It is therefore considered that loss of the existing day care facility is not an overriding consideration, especially since residents would still be catered for within the main home.

Character/Appearance

External alterations would principally be carried out to the front and rear elevations and a front canopy added.

The site is generally well landscaped with boundary screening, including hedging along the boundary with Hockle's Gate. The proposed works are considered acceptable in terms of appearance and do not harm the character/appearance of the group of buildings or rural landscape. The proposal therefore satisfactorily complies with Policies 2 and 3 of the SELLP in this respect.

Amenity

The nearest residential properties unassociated with the proposal are Libra Lodge to the north, Corner Cottage, Hockle Cottage and Three Ways some 200 metres to the west and New Inn House some 180 metres to the south. It is considered that the amenity of neighbouring residents would not be harmed to a significantly greater degree than at present. The proposal therefore satisfactorily complies with Policies 2 and 3 of the SELLP in this respect.

Highways

Satisfactory parking facilities are available to the west of the building accessed off Hockle's Gate and also within the main complex. The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds. The proposal satisfactorily complies with Policies 2, 3 and 36 in terms of highway safety and parking requirements.

Flood Risk

The site lies within Flood Zone 3 defined by the Environment Agency Flood Map. The latter have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

In this case, the proposal is a conversion so, in accordance with advice within paragraph 164 of the Framework, the sequential test should not be applied. Even if it were, the SFRA shows the site to be unaffected if a breach of the flood defence were to occur.

Conclusion

The proposal satisfactorily complies with Policies 1, 2, 3, 4 and 36 of the South East Lincolnshire Local Plan, 2019. Although the proposal would involve the loss of an existing day care centre the proposed use is related to the existing residential care home and the building would continue to be used in conjunction with the existing facility and help sustain it. It is therefore considered that loss of the existing day care facility is not an overriding consideration.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those

who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.